

**BEFORE THE SECRETARY OF STATE OF WYOMING**

**CAPITOL BUILDING**

**CHEYENNE, WYOMING 82002-0020**

**IN THE MATTER OF:**

**Essex & York, Inc.  
40 Wall Street, 33<sup>rd</sup> Floor  
New York, NY 10005**

**A Registered Securities  
Broker-Dealer; CRD #118495**

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**Order No. 07-04**

**ORDER REVOKING BROKER-DEALER REGISTRATION**

Comes Now the Wyoming Secretary of State and makes the following Findings of Fact, Conclusions of Law and Order:

**FINDINGS OF FACT**

1. Essex & York, Inc., Central Registration Depository ("CRD") #118495 ("the Broker-Dealer") has been registered as a securities broker-dealer with the Wyoming Secretary of State since March 12, 2003.
2. The Broker-Dealer's registration expired on December 31, 2006, and the Broker-Dealer failed to renew its registration according to law.
3. The Wyoming Secretary of State's Securities Division ("Securities Division") has not received a renewal fee for the Broker-Dealer since December 2005.
4. The Securities Division has attempted to contact the Broker-Dealer by phone on January 11, 2007 and January 18, 2007 at the phone number listed on CRD. The Securities

Division also attempted to contact the Broker-Dealer by letter which was mailed on May 14, 2007.

5. The Securities Division is unable to locate or contact the Broker-Dealer and believes the Broker-Dealer no longer exists.
6. The Securities Division believes it is in the public interest for securities broker-dealers to comply with state law.

### **CONCLUSIONS OF LAW**

1. Wyoming Statute ("W.S.") §17-4-103 pertaining to securities broker-dealers and agents states in pertinent part:

(c) Every registration expires one (1) year from its effective date unless renewed.

2. The Securities Division Rules, Chapter 4, Section 4 state in pertinent part:

(e) Renewal of a broker-dealer registration is good from January 1 to December 31 of any year unless terminated by the broker-dealer or revoked by the Secretary of State pursuant to W.S. §17-4-106.

3. W.S. §17-4-104 states in pertinent part:

(b) Every applicant for initial or renewal registration shall pay a filing fee of two hundred dollars (\$200.00) in the case of a broker-dealer, and thirty-five dollars (\$35.00) in the case of an agent. When an application is denied or withdrawn, the secretary of state shall retain the entire fee.

4. The Securities Division Rules, Chapter 4, Section 3 state in pertinent part:

*Each broker-dealer registered or required to be registered under Wyoming's Uniform Securities Act:*

(f) Shall remain in good standing as a member of the NASD and/or as a member of a securities exchange if a bank. The Secretary of State may summarily suspend any broker-dealer registration if

that broker-dealer is not registered in good standing as a member of the NASD or a securities exchange if a bank.

5. The Securities Division Rules, Chapter 4, Section 4 state in pertinent part:

*The following procedures are used to renew registration of broker-dealers as provided for in W.S. §17-4-103 and 104.*

- (a) Each broker-dealer registered in Wyoming which desires to renew its registration shall follow the renewal procedures established by the CRD in November and December of each year.
- (b) Renewal fees for broker-dealers shall be that amount set by W.S. §17-4-104 (b) and shall be paid from the broker-dealer's CRD account to the Secretary of State pursuant to the procedures prescribed by CRD.
- (c) If renewal fees are not paid on or before the cut-off date established by the CRD, a broker-dealer's registration may be revoked on January 1 or thereafter and the firm's agents shall be terminated on the same date by Order for willful failure to comply with any provision of the Act or rules following notice, opportunity for hearing, and written findings of fact and conclusions of law.
  - (A) Notice, as contemplated in this section, shall be given by the Secretary of State via a letter to the broker-dealer's last known address advising the broker-dealer of its failure to renew and need for immediate compliance;
  - (B) To the extent the broker-dealer cannot be located, mailing a copy of any Order Canceling Broker-Dealer Registration to the broker-dealer's last known address shall be deemed sufficient notice and service by the Secretary of State...;

6. W. S. §17-4-106 states in pertinent part:

- (a) The secretary of state may by order deny, suspend, make conditional or probationary or revoke any registration or may impose a civil penalty, require restitution to investors, censure or reprimand, require remedial training, impose special reporting requirements or impose other conditions, which he determines to be in the public interest, against any registration or registered person if he finds:
  - (i) That the order is in the public interest; and
  - (ii) That the applicant or registrant or, in the case of a broker-dealer, any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer:

\* \* \* \* \*

- (B) Has willfully violated or willfully failed to comply with any provision of this act [§§17-4-101 through 17-4-129] or a predecessor act or any rule or order under this act or a predecessor act;

- 7. The Broker-Dealer failed to renew or withdraw its registration by filing the appropriate renewal or withdrawal materials with the Wyoming Secretary of State through the CRD computer system.
- 8. It is in the public interest to require registrants to comply with registration and renewal provisions of the law in a timely fashion.
- 9. By failing to comply with the registration and renewal provisions of the law in a timely fashion, the Broker-Dealer has willfully violated and willfully failed to comply with the law.

## **ORDER**

THEREFORE, it is ordered that the securities broker-dealer registration for Essex & York, Inc. be and is revoked. The effective date of the revocation will be January 1, 2007.

DATED this 21<sup>st</sup> day of June, 2007.

\_\_\_\_\_/s/\_\_\_\_\_  
Max Maxfield  
Wyoming Secretary of State  
Securities Administrator

Approved As To Form:

\_\_\_\_\_/s/\_\_\_\_\_  
Mike Robinson  
Senior Assistant Attorney General

#### **CERTIFICATE OF SERVICE**

I, Thomas Cowan, certify that a complete and accurate copy of the document entitled

ORDER REVOKING BROKER-DEALER REGISTRATION was placed in the United States

Mail, Certified Mail, Return Receipt Requested, postage prepaid to the following address:

Essex & York, Inc.  
40 Wall Street, 33<sup>rd</sup> Floor  
New York, NY 10005

DATED this 25<sup>th</sup> day of June, 2007.

\_\_\_\_\_/s/\_\_\_\_\_  
THOMAS COWAN  
Securities Division Director